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## **Lao People's Democratic Republic (ratification: 1956)**

### ***Worst Forms of Child Labour Convention, 1999 (No. 182)***

#### **Discussion by the Committee**

**Government representative** – I would like to thank the Committee for inviting to this session the Lao People's Democratic Republic (Lao PDR) to deliver our statement in response to the comments made by the Committee of Experts. I will allow my delegate to deliver the statement on my behalf.

**Another Government representative** – The comment on which the Government of Lao PDR is invited to respond today is an observation of the Committee of Experts on the application of the Convention, which Lao PDR ratified in 2005. This was the first ever observation on the application of the Convention by Lao PDR as previous comments were at the level of direct requests.

The Lao PDR is fully committed to the cause of eliminating the worst forms of child labour as a matter of urgency. The commitment is also demonstrated by my country's accession to the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography in 2006. My country has received valuable technical assistance from the International Programme on the Elimination of Child Labour in the past, and I thank our international cooperation partners for realizing this assistance. Measures to apply the Convention have been hampered by the fact that the Lao PDR is a landlocked, mountainous country that still ranks amongst the UN's least developed countries, even if it is on track to "graduate" from that status by 2024. To give the Committee a sense of where the Lao PDR currently stands on its journey towards a sustainable development, between 1990 and 2015, the Lao People's Democratic Republic more than halved the number of persons living in poverty, and those suffering from undernourishment and brought net enrolment in primary schools from 59 to 99 per cent. In the same period, the under-five mortality rate dropped from 170 to 86. However, significant challenges remain such as birth registration, child nutrition and primary school completion.

The observation of the Committee of Experts addresses two issues, trafficking of children, commercial sexual exploitation of children generally and in the tourism sector. The Lao PDR has sought to strengthen its protection framework for a good number of years and in recent years has benefited from visits and recommendations by the UN Special Rapporteur on the sale and sexual exploitation of children.

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I would like to inform that the Lao Government, at all times, takes the necessary measures to ensure that the investigations and prosecutions are carried out for persons, including foreign nationals and officials, who engage and are involved in trafficking in persons under 18 years of age. This commitment is also readily evident from the country's legal framework. The Law on the Protection of the Rights and Interests of Children, 2007, prohibits sexual relations with children aged between 12 and 18 in exchange for money or other benefits; and criminalizes the production, distribution, dissemination, importation, exportation, and displaying and sale of child pornography. The Penal Code criminalizes rape and rape of children; sexual intercourse with a child under the age of 15; engaging in or facilitating prostitution; the procurement of female minors into prostitution; the forced prostitution of children; and marital rape. A major development was the adoption of the Anti-Trafficking Law in 2016, under which trafficking in children an offence is that carries 15 to 20 years of imprisonment.

The data recorded by the Office of the Supreme People's Prosecutors reveals that there were 28 cases of trafficking in persons under 18 years of age with 31 offenders in 2016, 21 cases with 21 offenders in 2017 and 29 cases with 33 offenders in 2018. In total, over the past three years there were 78 cases with 85 offenders investigated and prosecuted.

The tourism industry is also a rapidly growing sector in the country. The Ministry of Labour and Social Welfare, in cooperation with the Ministry of Information, Culture and Tourism will include the protection of children and the prevention of sexual abuse, exploitation as part of its strategy on sustainable tourism. It will promote strong partnerships between the public and the private sectors to promote Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism among hotels.

The Lao PDR took part in a meeting of the Association of South East Nations (ASEAN) held in Cambodia in 2017 under the Alliance 8.7 initiative as a contribution to Sustainable Development Goal No. 8 and the elimination of child labour in all its forms by 2025. The Lao PDR, together with inspection officials from other ASEAN Member States and social representatives, discussed action for accelerating national level strategies to eliminate child labour. Delegates reaffirmed the urgency for combating child labour and the important role that labour inspectorates play in this effort. The Lao PDR agreed with all ASEAN Member States counterparts on a set of recommendations to this end, including strengthening the institutional and human capacity for our labour inspection system to more effectively detect and remedy child labour cases, in addition to strengthening social dialogue on this critical topic.

The National Commission for Advancement of Women and Mothers and Children with the support of UNICEF has also taken all necessary measures to prevent and combat the sale and sexual exploitation of children in the country through the implementation of legislative initiatives, institutional framework and child protection policies.

The Lao Government has also started a child protection system mapping, assessment and planning exercise to develop a vision and action plan in strengthening of the child protection system in the Lao PDR as well as the Strategy for the Social Welfare Workforce Development. In collaboration with the development partners and different sectors including the private sector, the Lao Government is undertaking the measures available to support care, recovery and reintegration of child victims and also provides recommendations to address those issues, including improving child protection and minimizing the risks of children becoming victims of sale and sexual exploitation.

At the village level, the Child Protection Network has been established to bring child protection services closer to communities where social welfare staff are not present. These measures aim at improving the child protection system specifically to address two key concerns raised by the UN Special Rapporteur. In addressing the first concern, the Child

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Protection Network gives the correct information to the correct targeted group of children so they know who and how to safely turn to when they feel at risk of trafficking or sexual exploitation; to address the second concern, the Child Protection Network raises awareness for targeted groups of children on the risks when they consider working abroad.

In order to improve the capacity of the Child Protection Network, UNICEF is supporting the Lao Government, especially the Ministry of Labour and Social Welfare to establish the social welfare workforce and build their capacities to provide responsive child protection services to children and their families.

The Ministry of Labour and Social Welfare of the Lao PDR and the National Commission for Advancement of Women and Mothers and Children with the support of UNICEF is mobilizing financial and support from development partners to further develop policies and implement programmes to combat the sale and sexual exploitation of children nationwide.

In 2010 with the technical and financial support from ILO, the Ministry of Labour and Social Welfare of Laos conducted the Child Labour Survey. The findings from the survey were effectively used for developing the National Plan of Action on Prevention and Elimination of Child Labour from 2014–20. The survey finding was also used for designing policies including the Labour Minister’s decision on light work list that allows employment of young workers and hazardous work list that does not allow employment of young workers. In addition, the Lao PDR has been closely working with its ASEAN Member States, ASEAN dialogue partners and development partners in carrying out a number of projects aimed at promoting safe and fair migration, for instance, the Triangle Project for safe labour migration, the SAFE and FAIR Employment, and Rural Employment Promotion.

However, moving forward to address trafficking in persons’ related issues, a number of challenges remain for the Lao PDR. Limited supporting resources and capacity of officials in charge of cases are restricted. More capacity-building programmes for local officials and financial resources are needed. It is essential that the Lao PDR continues to work closely with social and development partners in dealing with the remaining issues.

In conclusion, the Lao PDR reaffirms its commitment to continue observing and implementing the ratified ILO Conventions. In this regard, the Lao PDR would like to take this opportunity to request the Committee, ILO, all international development partners and social partners to appreciate the constraints of the Lao PDR as well as the efforts of the Government and the social partners to ensure the worst forms of child labour are eliminated.

Let me end by thanking the Committee in advance for its advice in these matters and assuring it of Laos’ fullest cooperation so we can end the case of the worst forms of child labour once and for all.

**Employer members** – First and foremost, we would like to thank the Government representative for being present and making submissions before this Committee. This is the first time the Lao PDR case is being heard in relation to the Convention. As observed by the Committee of Experts, there are two issues that were cited. The first being under Articles 3(a) and 7(1) of the Convention which defines the worst forms of child labour – in this case, child trafficking, and the latter relating to penalties.

The Government of the Lao PDR was requested by the Committee of Experts to take the necessary measures to ensure that, in practice, thorough investigations and prosecutions are carried out of persons who engage in trafficking of children, including foreign traffickers as well as state officials suspected of complicity, and that effective and dissuasive sanctions are imposed. Facts reveal a serious lapse on the part of the law enforcement authorities of the Government to carry out thorough investigations as well as prosecutions of perpetrators

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including foreign nationals. The Committee of Experts took cognizance of several reports, one such was the report submitted by the Lao PDR under Article 44 of the Convention on the Rights of the Child in October 2017. This report stipulates that the Government of the Lao PDR has implemented an Anti-Human Trafficking Law which imposes a sentence of 15 to 20 years of imprisonment and a fine for trafficking offences where victims are children. It also noted from the same source that from 2013 to 2015 the Ministry of Public Security had received 78 complaints involving 125 child victims of trafficking, of whom 58 had been girls but had only resulted in 35 convictions. While it is encouraging to see that some perpetrators have been brought to justice, a matter of serious concern is the lack of progress and of follow-up relating to other cases.

Making reference to a second report of the Committee on the Rights of the Child(CRC), a July 2015 report of the National Commission for the Advancement of Women and Mothers and children (NCAW-MC) on the implementation of the optional protocol of the CRC on the sale, prostitution, and pornography involving children (OPSC), the Committee of Experts noted the development of a worrying trend on account of a series of non-prosecution of complaints and out-of-court settlements that have taken place.

The same report cites the presence of agents or *mamasans* as a source of facilitating trafficked children to be offered as prostitutes to pedophiles often based on bizarre and inhumane categorization. The report cites that children are very much part of the *Borikan* or female sex workers and the growing number of *sao meu teu* or “mobile phone girls” often offered to migrant workers by the perpetrators operating within this vicious system.

While acknowledging that the problem of child trafficking for exploitation is widespread in the Greater Mekong region, and that the Lao PDR has provided information pertaining to the cases relating to trafficked child victims, we are concerned about the cases that remain either unreported or have fallen through the cracks. In this regard, we acknowledge, as have the Committee of Experts, the People’s Supreme Court record reporting 269 cases involving trafficked children in 2016 and 264 of such cases in 2017. As the Committee of Experts has reported, citing a 2015 report of the CRC in its concluding remarks on the Lao PDR, the large number of case relating to trafficking and sexual exploitation of children not leading to a conviction is due to traditional out-of-court settlements at the village level and the failure of the judicial authorities to enforce the law. This is a serious concern. The Committee of Experts also took note of the CRC concerns that the prosecution of foreign traffickers is rare, and impunity remains pervasive. Corruption and the alleged complicity of the law enforcement, judicial and immigration officials have often been cited as the main reasons for this situation.

The Lao PDR has a system in place to combat child trafficking and commercial sexual exploitation, but what is sadly lacking is its consistency and effectiveness. A combination of gaps in the system as well as corruption has led largely led to this situation. As a result, children are trafficked into and out of the Lao PDR and many are left vulnerable to commercial sexual exploitation.

In view of the above, the Employers call on the Government to take urgent and necessary measures to strengthen the capacity of the law enforcement authorities, including the judiciary. We also call upon the Government to establish a monitoring mechanism to follow up on complaints filed, investigations carried out as well as to ensure that an impartial process of prosecuting cases that takes cognizance of special requirements of child victims, such as protecting their identity and the requirement to give evidence “behind closed-doors” be considered.

The second issue, as observed by the Committee of Experts is in respect of clause 7(2)(d), which relates to children at special risk, and these are the children who are exploited and commercially exploited for sex. The Committee of Experts noted from the

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reports submitted by the Lao PDR under the Convention on the Rights of the Child, that the country had taken a number of initiatives, as part of the Australian aid-funded project, to develop educational material targeting the tourism sector and community representatives, parents and guardians of young children, as well as young persons who are vulnerable in the Greater Mekong area. Several training sessions had been held with the relevant stakeholders, including the community police.

Similarly, the Committee of Experts has noted from the CRC NCAW report of 2018, that is of the OPSC, of various measures taken by the Government, including the development of regulations to administer hotels and guest houses, as well as measures taken to monitor the compliance of these guidelines. Inspections of premises and conducting awareness-creating workshops with the objective of curbing child prostitution are some of the measures implemented. The above action taken by the Lao PDR is very encouraging and the Employers welcome further action in pursuance of elimination child trafficking and the prevention of commercial sexual exploitation of children. However, as the Committee of Experts noted, based on a concluding observation by the CRC under the OPSC, serious concern had been expressed at the failure of the authorities to prevent children from being sexually exploited by foreign pedophiles, especially the Government's inability to effectively address this issue. Therefore the Employers wish to express that this failure is closely related some of the matters that were discussed in respect of the first issue.

In the above context, the Employers echo the Committee of Experts' call and call upon the Government to take immediate and time-bound measures to protect children from becoming victims of commercial sexual exploitation. In doing so, we call upon the Government to implement effective measures in consultation with employers and workers, targeting places where the incidence of such abuse and exploitation is said to be high. Similarly, action should be taken to mobilize business groups within the tourism industry such as hotels, tour operators and taxi drivers etc. A closer monitoring of tourists and visitors in areas where the rates of incidence have been high, especially to prevent and/or weed out pedophiles should be immediately taken.

**Worker members** – This is the first examination of the application of the Convention by the Government of the Lao PDR. Also, this is the first time that the Committee of Experts has made observations on the Government's application of the Convention. The comments of the Committee of Experts on the Government's application of Convention No. 182, in law and practice, raise serious concerns.

The Committee of Experts highlights issues with the Government's application of Articles 3(a) and 7(1) of the Convention. According to Article 3(a), the scope of the Convention covers all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict. Article 7(1), on the other hand, obliges member States to take all necessary measures to give effect to the Convention, including through the provision and application of penal and other sanctions as appropriate.

The Government has reported on measures it has taken to address child trafficking and commercial sexual exploitation of children in recent years. However, the Government appears to have concentrated its efforts on appropriate legislation without ensuring that, in practice, the incidence of child trafficking and exploitation is combated through investigations, prosecutions and punishment of offenders.

According to the Government, it is proactively implementing the Anti-Human Trafficking Law of 2015. The Anti-Human Trafficking Law provides for a sentence of 15 to 20 years of imprisonment and a fine for trafficking offences where the victims are children. It has been reported that from 2013 to 2015, the Ministry of Public Security received

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78 complaints involving 125 child victims of trafficking, of which 58 were girls. These complaints have resulted in only 35 convictions thus far. The People's Supreme Court record shows 269 cases involving trafficking of children were recorded in 2016 and 264 such cases in 2017. We regret that the large number of cases of trafficking and sexual exploitation of children has not led to any significant increase in convictions and punishments.

The Government must take all necessary measures to ensure that, in practice, through investigations and prosecutions, persons engaging in the trafficking of children, including foreign nationals and state officials suspected of complicity, are held accountable. The Government must ensure that there are sufficiently effective and dissuasive sanctions imposed on perpetrators. The Government must provide information on the number of investigations, prosecutions, convictions and penal sanctions for the offence of trafficking in persons under 18 years of age, in accordance with the provisions of the Anti-Human Trafficking Law.

We deplore the behaviour of some foreign nationals who are entering Laos under the guise of tourism to perpetrate the sexual exploitation and trafficking of children. We are concerned that according to reports, over 90 per cent of child trafficking for commercial sex exploitation takes place across borders affecting Lao as well as Vietnamese and Chinese children. This sex tourism disproportionately affects children in close proximity to national borders.

We call on the Government of Lao to take immediate steps, in consultations with social partners, to ensure that industry players in tourism do not allow their businesses to be used to traffic and exploit children. The Government must redouble its efforts on measures taken, including developing regulations on the administration of hotels and guest houses, and measures for monitoring compliance of such regulations through inspections; and conduct awareness-raising workshops on child trafficking and prostitution.

The Government is under an obligation to take effective and time-bound measures to protect children from becoming victims of commercial sexual exploitation in the tourism sector. The Government must consult all social partners and civil society and other industry players to address this social evil. The Government must report on the measures it has taken in this respect and should explore the option of seeking technical assistance from the ILO to improve compliance with its reporting obligations to the ILO.

The Convention obliges the Government to work with social partners to design systems to eliminate the worst forms of child labour including measures to remove children from the worst forms of child labour and for their rehabilitation and social integration through access to free basic education and, wherever possible and appropriate, vocational training. We regret that the Government's report does not contain any measures on the removal of children suffering such exploitation and trafficking or the rehabilitation and education of victims. The joint Lao–Australian taskforce “Project Childhood” targets measures for greater awareness of this social menace.

We also refer to further reports which indicate that nationally, there are only two shelters for all victims of trafficking – adults and children – both of which are NGO project-based operations. We are seriously concerned that the absence of government investment in rehabilitation and education of victims of sexual exploitation and trafficking of children makes victims vulnerable to re-trafficking and undermines other measures designed to address the worst forms of child labour. The Government must provide information to the ILO on measures to provide rehabilitation support and efforts to ensure that these children go back to school and complete their education.

Finally, the Government must take necessary measures to ensure that, in practice, through investigations and prosecutions, persons who engage in the trafficking of children,

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including foreign nationals and state officials are held accountable and that the current culture of impunity is brought to an end. We call on the Government to provide information as to the number of investigations, prosecutions, convictions and sanctions for the offence of the sexual exploitation and trafficking in persons under 18 years of age, in accordance with the provisions of the Anti-Human Trafficking Law and in line with the Convention.

**Employer member, Lao People's Democratic Republic** – Thank you for allowing me to speak on behalf of the Lao National Chamber of Commerce and Industry (LNCCI) and as a representative of Lao employers. I would like to strongly support the Strategic Framework that the Government has set up, the National Committee on Combating and Anti-Trafficking in Persons as well as the related laws and regulations.

In the Lao PDR, our tripartite partners work closely with the social and development and concerned government agencies in creating preventive measures against the worst forms of child labour. This is a violation of fundamental human rights. For instance, several forms of information dissemination have been used to ensure that access to information on the child's rights protection and supports services can be readily available. This includes the promotion of programme on radio, TV, hotlines, village loud speakers and through the network of friends and families. We always urge our social partners to use these many tools of communication. The Lao Government promotes and supports family enterprises which will help create more employment.

Apart from creating public awareness on the prevention of human trafficking, the Government also promotes education, healthcare, and small and medium enterprises. Employers and development partners also provide technical and financial support to help students and women who are the victims of human trafficking to find employment. The social partners and key stakeholders play a role to increase their constructive dialogue and future action plans on the issue.

The LNCCI is a member of the Combating and Anti-trafficking in Persons Committee. This Committee calls for the Government to strengthen the prevention, protection and prosecution against human trafficking especially the law enforcement. Increasing effectiveness in protecting human rights is even more crucial in the growth period in tourism.

Employers are not only involved in and support the tripartite partners, but also play an important role in producing and distributing guidelines of the Lao labour law and other related laws, regulations and international agreements so as to ensure that our members could guarantee the basic rights, equality and treatment without discrimination on any grounds of their workers, as well as ensuring that workers and their families receive sufficient welfare.

The LNCCI, with development partners, conducted various trainings and established the Women's Entrepreneurial Centre which provides various trainings on strengthening the capacity of our members and encouraging women in entrepreneurship and leadership by enhancing their professional skills.

Lastly, on behalf of the LNCCI, we would like to express our gratitude to the International Labour Organization for the continuous technical and financial support to the Lao PDR and especially the support on strengthening the tripartite mechanism for the prevention and combating of trafficking in persons programme and the national policy framework and decent work as well.

**Worker member, Lao PDR** – I am speaking on behalf of the Lao PDR workers. Child trafficking is a criminal act that violates the fundamental rights of the most vulnerable children. The Lao Trade Unions represents the workers. We have seen and heard about human trafficking and child labour not only in Laos but elsewhere. At all times, the Lao

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Trade Unions has undertaken its role in protecting and promoting the legitimate rights and interests of the Lao workers, including those working in the formal and informal sectors.

Currently, the Lao Trade Unions has participated in the committee on combating and anti-trafficking in persons, in close collaboration with the police department, through the implementation of various activities such as the dissemination of legal information on combating trafficking to trade union officers and members, workers in general at the workplaces at province and district level, and also communities. In addition, the Lao Trade Unions has disseminated and raised awareness to trade union officers, members, both formal and informal workers and all Lao communities regarding Lao trade union's regulations and laws, labour law and law on combating and anti-human trafficking in persons and other documents, including national and international instruments which are related to labour employment and human trafficking issues through various channels like radio, newspapers, magazines and TV.

As the workers' organization, we have closely worked together with the Government and employers' organization through tripartite consultation regularly to prioritize and address the matters, including trafficking in persons, the elimination of the worst forms of child labour and the promotion and protection of the rights and interests of young workers, and on how to prevent young workers from sexual exploitation. We strongly believe that the Lao Government will take sufficient measures aimed at improving and managing the child protection issues and specifically to address key concerns raised as we aware. Therefore, the Lao trade unions realize and support the National Plan and the intentions of the Government's response to this case.

However, the Lao Trade Unions would like to recommend that the Government should strictly enforce the existing Law on Anti-Human Trafficking in Persons and other legislation related to the protection of the rights of workers. The Government and concerned sectors need to take bold action to eliminate the situation of the worst forms of child labour. It should intensify its efforts to: investigate, prosecute and convict traffickers, including complicit persons and child sex tourists; train police and border officials on formal victim identification and referral procedures, with a focus on vulnerable groups; strengthen efforts to secure, formalize, and monitor unofficial border crossings in remote and mountainous areas commonly used by Lao labour migrants returning from abroad, and screen for trafficking indicators among them; collaborate with society and mass organizations such as trade unions, youth organizations and women's unions to eliminate the worst forms of child labour. In partnership with local and international organizations, it should increase resources and vocational training to support victims, to reintegrate them into their home communities. Further, it should improve transparency by collecting information on government anti-trafficking activities, including case details and financial allocations, and share this information among ministries and with non-governmental stakeholders.

By following through on these recommendations, the Lao PDR can come closer to reducing the trafficking that takes place and increasing transparency, support and accountability for trafficking victims.

Lastly, we would like to echo the points made by the Committee of Experts on its report that Government has to: (i) ensure that perpetrators of child trafficking, including foreign trafficking and state officials suspected of complicity are subject to thorough investigations and prosecutions; (ii) take effective measures to protect children from becoming victims of commercial sexual exploitation in the tourism sector. Last but not least, I would like to call on the international trade union organizations and other international communities to continue their support to the Lao Trade Unions.

**Government member, Romania** – I am speaking on behalf of the European Union and its Member States. The candidate country, Albania, and the EFTA country, Norway,

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Member of the European Economic Area, as well as Georgia, align themselves with this statement. Eradication of child labour constitutes a priority of European Union human rights action. We support the ratification and implementation of the UN Convention on the Rights of the Child, as well as the Minimum Age Convention, 1973 (No. 138), and the Worst Forms of Child Labour Convention, 1999 (No. 182). We reiterate our strong commitment towards guaranteeing the fundamental human rights of every child, as defined in the 2030 Agenda for Sustainable Development target to end child labour in all its forms by 2025.

This year, as we mark the 30th anniversary of the UN Convention on the Rights of the Child and the 20th anniversary of the International Labour Organisation Convention on the Worst Forms of Child Labour – representing the cornerstone of international protection of children’s rights – the need to see more results towards eliminating child labour is even more blatant.

Laos and the European Union have a close and constructive relationship, based on substantial development cooperation, support to the national reform agenda and a commitment to open markets by granting preferential access to the EU market via the “Everything but Arms” scheme, which is conditional to the respect of fundamental human and labour rights principles including the fight against child labour and abuse.

Trafficking and sexual exploitation of children constitutes one of the worst forms of child labour. According to Lao’s national violence against children survey, carried out by the National Statistics Bureau in cooperation with the Ministry of Labour and UNICEF, one in 14 girls and one in eight boys are sexually abused as a child. Adolescents make up a significant proportion of female sex workers in Lao: 27 per cent of female sex workers are reported selling sex at their first sexual experience at a mean age of 17 years. Furthermore cases of trafficked, exploited and sexually abused children grow with increasingly open borders. Some of the victims of trafficking, particularly women and girls, are reportedly as young as 11 years old. Trafficking victims are often migrants, mostly coming from the rural areas, forced out of the country due to poverty and a lack of educational opportunities. Trafficking cases usually involve children and young people who are either exploited in the commercial sex industry or forced into factory, agricultural or construction labour. There are also a number of cases of girls sold abroad as brides.

We are deeply concerned that a large number of cases of trafficking and sexual exploitation of children in Lao still does not lead to a conviction owing to traditional out-of-court settlements at the village level and the failure of the judicial authorities to enforce the law. We urge the Government to ensure proper implementation of the Anti-Human Trafficking Law and to undertake the necessary measures so that all perpetrators are duly prosecuted, including foreign traffickers and their accomplices among the law enforcement, judiciary and immigrations officials. Only sustained and decisive measures to combat trafficking and exploitation of children, as well as impunity in general, will send a clear message to society that violence is unacceptable and will be punished.

We welcome the Government’s efforts to address with specific awareness-raising measures the travel and tourism sector, which is particularly prone to the risk of sexual exploitation of children. We strongly encourage the Government and its competent authorities to carry out regular inspections on hotels, guest houses and other accommodation and entertainment sites as to enforce and monitor their compliance with the relevant regulations put in place. These regulations should be part of comprehensive national time-bound programmes aimed at eliminating sexual exploitation of children and coordinated with regional programmes to combat trafficking in young women and children. Actions to promote responsible business and engagement with the private operators in the travel and tourism sector represent an essential component of effective national policies and should complement enforcement measures.

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Finally, we call on the Government in Lao to intensify its efforts as to guarantee the highest possible protection against any form of child labour or any other form of exploitation so that the children of Lao can enjoy a life conducive to their physical, mental, spiritual, moral and social development. The European Union and its Member States remain committed to their cooperation and partnership with Lao.

**Government member, Thailand** – It is my great pleasure to deliver this statement on behalf of ASEAN. Firstly, ASEAN welcomes the progress made in the efforts of the Lao Government to fulfil its obligations under the Convention, with the support of the international community such as ILO, UNICEF, ASEAN, Laos' neighbouring countries and other stakeholders bilaterally and multilaterally.

Secondly, ASEAN is of the view that the worst forms of child labour is a matter of urgency that needs to be eliminated without delay. In this regard, ASEAN congratulates the Lao PDR on its accession to the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography in 2006. Further, ASEAN believes that the issue of child labour is multifaceted, and the national context should be taken into consideration in the examination of the case regarding the matter. ASEAN also encourages the Government of the Lao PDR to continue its efforts, in consultation with social partners as appropriate, to prohibit and eliminate the worst forms of child labour so as to implement the provisions of the Convention.

Thirdly, ASEAN notes with appreciation the necessary measures, including the enhanced Action Plan on Child Protection System, taken by the Lao PDR to implement the recommendations of the Special Rapporteur on the Sale and Sexual Exploitation of Children, who paid a visit to the Lao PDR last year.

Fourthly, ASEAN recognizes that the Lao PDR is in need of technical assistance and support in addressing difficulties and challenges in the implementation of its obligations under international and regional instruments relating to labour issues.

Lastly, I wish to inform that ASEAN has intensified its cooperation on anti-trafficking in persons under the ASEAN Convention Against Trafficking in Persons, especially Women and Children which entered into force in 2017. Now ASEAN is in the process of developing “the Proposed Actions on Improving Cooperation between Labour Inspectors, Recruitment Agency Regulators and Anti-Trafficking Police”.

**Worker member, Japan** – I would like to touch on the failure of the judicial authorities to enforce the law on trafficking of children and urge the Government to exert further efforts to eliminate trafficking. It is believed that the majority of victims are trafficked from the Lao PDR to Thailand and the majority of victims are girls under the age of 18. Of those people trafficked to Thailand, it is estimated that about 35 per cent end up being trafficked for sexual exploitation.

The Lao Government, as reported just now, has been making efforts to prevent human trafficking. And there were several judicial and administrative measures taken to counter trafficking. For example, article 89 of the Lao national law prohibits all forms of human trafficking. If found guilty, penalties include imprisonment from five years to life, fines between US\$1,230 to US\$120,300, the confiscation of assets or capital punishment. The Law on Anti-Trafficking in Persons entered into in February 2016.

However, there are challenges in combating human trafficking. The first challenge is porous borders and human connectivity across borders: There are well-established connections and networks across the borders and border officials have been complicit and taking bribes to facilitate transportation of Lao nationals across the border.

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The second challenge is insufficient victim protection and reintegration: victims of trafficking might receive some assistance but not the full package they require to move on from their trafficking experience and reintegrate into society. As a result, there is a high likelihood of victims returning to the same situation.

Next, I would like to touch on measures to be taken in the future. First and foremost, implementation of the laws and action plan is key, including implementation of the 2016–20 action plan concerning anti trafficking. Second, the Government should investigate, prosecute and convict traffickers, including complicit officials and child sex tourists. Third, the Government should train police and border officials on formal victim identification and referral procedures, with a focus on vulnerable groups.

The Government should also increase expenditures from the Government anti-trafficking budget for service provisions and assistance programmes for victims, and expand these services for male victims. And not to mention, poverty is the main cause of trafficking. It should be emphasized that tripartite efforts for the elimination of poverty and economic development is key to eliminating human trafficking in the longer term.

**Worker member, Philippines** – The Federation of Free Workers and the Nagkaisa Labour Coalition in the Philippines, are deeply concerned with the deteriorating situation of children in Laos. The discussions under this Committee is an opportunity to bring up remedial measures to improve the lives of Lao children.

Other than a transit of trafficked workers from China, Myanmar and Viet Nam, Laos is known as primarily a source country for women and girls trafficked for commercial sexual exploitation and labour exploitation as domestics or factory workers in nearby Thailand. We understand that out of the 200,000 to 450,000 young people from the Greater Mekong subregion, 90 per cent of them are bound for Thailand.

It appears that Laos’ fight against child labour is regressing. The 2018 Trafficking in Persons report showed that the Government of Laos does not fully meet the minimum standards for the elimination of trafficking and did not demonstrate overall increasing efforts to do so compared to the previous reporting period. The Government took some steps to address trafficking. The work done is still wanting and needs to be reinforced by Government. Making the situation worse, the 2018 report found some corrupt officials reportedly continued to facilitate and profit from illegal activities involving trafficking of children and minors.

Bureaucratic and poor government coordination make it difficult or restrict the operations of non-government partners to effectively implement the Laos National Action Plan to Combat Trafficking.

We in the Philippines have similar problems, like Laos, on child labour. Thus, we join with the Laos Federation of Trade Unions which recommends to put “flesh and blood” to and reinforce the implementation of the 2016 anti-trafficking law by, among others, increasing funding to anti-trafficking service provisions and assistance programmes for victims.

We respectfully urge the Government of Laos to collaborate with trade unions, civil society, as well as the governments of its neighbours, to implement the 2016–20 National Action Plan. Thus, we reiterate our call for the strict enforcement of the law of Laos.

**Worker member, Singapore** – I would like to touch on the continued rampant sexual exploitation of children, primarily in travel and tourism in the Greater Mekong region and urge the Lao Government to double its efforts to tackle trafficking and sexual exploitation.

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To me, a child should be given the opportunity to grow up in a safe environment, have access to education and eventually the empowerment to make their own career choice upon obtaining high education. It is indeed saddening to hear that in Laos there are incidences of traffickers in rural communities who are often acquaintances, friends and even relatives of the victims. They might lure the victims with false promises of legitimate work opportunities in neighbouring countries, then subject them to sex or labour trafficking. This is definitely not a safe environment to grow up in.

According to the US 2018 Trafficking in Persons Report, the Government of Laos does not fully meet the minimum standards for the elimination of trafficking and did not demonstrate overall increasing efforts to do so, compared to the previous reporting period. Hence, it has been downgraded to tier 3. This drop in ranking speaks a lot of the lack of efforts on the part of the Government of Laos.

It was indeed encouraging to hear the initiative entitled “Project Childhood” funded by Australian Aid to combat the sexual exploitation of children was actually introduced in Laos. Under this project, quite a number of educational materials were developed for the tourism sector, community representatives, parents and guardians of children and young persons. Moreover, several training sessions and workshops were held with relevant stakeholders, including community police. The Government had also taken various measures, including developing regulations on the administration of hotels and guest houses, and measures for monitoring compliance of such regulations through inspections. However, these efforts have clearly been shown to be ineffective in eliminating the sexual trafficking of children. I urge the Government to report on the results achieved under this project and to actually share more on the further actions to be taken under the prevention pillar.

What else can the Government do better? Awareness starts from home. The Government could go into the communities and villages and speak to the adults, the parents and the children to warn them of the possible harms and dangers. The Government could also incorporate education on the risk of sexual exploitation into the school curriculum. School staff could also be trained to look out for signs of this risk, especially of students from very poor families. What I want to urge the Government officers to do is to put yourself in the shoes of the victims, or just imagine your child ending up as a victim of sexual trafficking, and I am sure you will go all the way out to eradicate this situation.

*Interpretation from Chinese: Worker member, China* – We have listened carefully to the information given by Lao’s delegates. We have noted that the trade union of Lao has cooperated with Governments and employers’ organizations closely, conducted various activities to combat human trafficking and achieved a positive progress, including strengthening the publicity of laws and policies related to combating human trafficking and regularly conducted tripartite consultations on anti-human trafficking and child labour.

We encourage Lao’s Government to strengthen current legislation. We also want to ensure the rights of workers. We also hope the ILO could provide necessary technical support for Lao to enhance capacity building in fulfilling international Conventions.

**Government representative** – We listened carefully to, and take note of the advice, comments and recommendations as well as suggestions from all interventions in this session.

With regard to the observation of the Committee on the application of the Convention by the Lao PDR, it is observed that all interventions are constructive and practical in nature. The comments and recommendations are taken into account and will be further served as guidance in improving and enhancing ongoing efforts in the realization of our obligations under the Convention.

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It is recognized that trafficking in persons for commercial sexual exploitation or for labour exploitation is a clearly unacceptable practice in all nations, and it is also a transnational crime that need immediate resolution.

In this regard, I would like to repeat that the Lao PDR has been strictly enforcing the law on the protection of rights and interests of children for over ten years. This law prohibits sexual relations with children in exchange for money or other benefits, and criminalizes the production, distribution, dissemination, importation, displaying and the sale of child pornography. In addition, the law on anti-human trafficking has been adopted and entered into force few years ago, and many other legal frameworks and work programmes are introduced and being implemented nationwide.

However, the Lao PDR is on its way of moving from a low income, to a low-middle income economy, and about half of the population is living in poverty. The country's line agencies concerned are still facing challenges and difficulties such as technical expertise, legal advice and financial resources, in fulfilling our obligations under the Convention, and other related instruments. We therefore, would like to call on the ILO, international communities and social partners to continue providing us their assistance and support.

In this connection, I would like to assure the Committee that the Government of the Lao PDR is fully committed to the Convention, and other related labour instruments including at the regional level, for instance the ASEAN level related framework.

Last, but not least, I would like to conclude by expressing my sincere appreciation to the Committee for its observations. Many thanks also go to all ASEAN member States, representatives of workers' and employers' organizations and others for their constructive interventions and support extended to the Government of the Lao PDR in this regard.

**Worker members** – We thank the Government representatives of the Lao PDR for the report and the information provided to the Committee. The situation relating to the worst forms of child labour in Lao is alarming. We have noted that the Government has taken some steps in law to address this scourge. It has increased the number of years of mandatory education, it has moved to introduce a system of mandatory civil childbirth registration, adopted a national Anti-Trafficking Law and introduced penalties for those convicted of child trafficking offences.

There have also been some efforts made by the Government to address the issue in practice. There have been awareness-raising campaigns, the development of a National Plan of Action on Human Trafficking and the expansion of bi- and multilateral cooperation to combat human trafficking. The Government also provides temporary shelter, legal, medical, vocational training and reintegration services. These are all necessary strategies that must form part of a holistic approach to dealing with a serious and complex issue. However, viewed overall, the Government's efforts in practice, including, significantly, the investigation, prosecution and punishment of offenders, foreign or local and rehabilitation and education of victims, have fallen short.

We have noted that the Convention expects the Government to adopt a zero-tolerance approach to the worst forms of child labour by taking measures to prohibit its occurrence absolutely.

We join the Committee of Experts in this regard to express our serious concern over the lack of effective implementation of the criminal prohibition of trafficking and commercial sexual exploitation of children contained in the national law and as referred to in the Convention. We also note the recommendations made by the UN Special Rapporteur on the sale, trafficking and sexual exploitation of children, Madame de Boer-Buquicchio, after her visit to Lao in 2017.

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The Government must intensify inspection services with all the means necessary for the control, prosecution and punishment of offences against the prohibition of the exploitation of children in the worst forms of child labour.

The Government must put in place a specific framework for children who are victims of such abuses, including facilities to rehabilitate and reintegrate these children. The children will also require protection and access to medical, social, legal and housing services.

The Government must ensure that there are measures to improve the functioning of the education system and to monitor the effective implementation of the compulsory education system and must provide up-to-date statistical information on enrolment and drop-out rates.

In consultation with social partners, the Government must develop an action plan to combat the sexual exploitation of children and to put in place a mechanism to review and update the action plan. In this regard, we note that access to education is the best guarantee for safeguarding children from the worst forms of work. The Government must take all necessary measures to raise the school enrolment rate in both primary and secondary education, especially in areas where sexual exploitation and trafficking is rife. Also, we urge the Government to provide the necessary financial and human resources to implement the Anti-Trafficking Law and the National Plan of Action, focusing on children most vulnerable, including children from low-income families and to strengthen the capacity of, inter alia, police officers, border guards, consular service officials, labour inspectors and social workers to identify child victims of trafficking.

We call on the Government to ensure that child protection, victim assistance and access to education are all central to the efforts to combat sexual exploitation and child trafficking and other worst forms of child labour. We call on the Government to take effective and time-bound measures to protect children from becoming victims of hazardous work or commercial sexual exploitation and trafficking. We stress the importance of access to education for all children until they achieve minimum working age, of assisting child victims of trafficking and forced labour and of effectively prosecuting, convicting and penalizing perpetrators.

The Government should step up efforts to compile comprehensive and reliable data which will allow the relevant bodies to be satisfied that significant and measurable improvements are made to bring the Lao PDR into full compliance with the Convention. The Government should avail itself of ILO technical assistance to this end.

**Employer members** – We take this opportunity to once again thank the representatives of the delegation from Lao for being present and for sharing additional information with this Committee, and also to the distinguished speakers who shared a lot of information with regard to the case at hand.

It was indeed good to be briefed about the technical assistance that the Government of Lao has received from the Office and that this is continuing. We are also happy to note that these measures include incorporating some of the strategy, some of the objectives or some of the key efforts in relation to the DWCP for the period 2017–21. We certainly hope that the momentum in relation to what you have implemented will continue in terms of the national plan of action on the prevention and elimination of child labour. Having listened to my Employer colleague from the Lao PDR, the Deputy Secretary of the Lao Chamber of Commerce and Industry, we now understand that the Government of the Lao PDR is receiving assistance from all other stakeholders, both employers and workers, in its measures to comply with its obligations under Convention No. 182. We are also extremely happy to note that employers and workers are being consulted and are very much involved in respect of the interventions targeting the elimination of trafficking and commercial sexual exploitation of children. We understand that this includes the setting up and continuing the

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Anti-trafficking Committee comprised of tripartite partners. However, in spite of some of the measures, there still exists some gaps in the system, some of it the creation of those responsible for dispensing of justice and the enforcement of law and order, and this is a matter that needs to be addressed with prompt attention.

This has still left children in the Lao PDR remaining vulnerable to being trafficked and being subject to commercial sexual exploitation, thus amounting to violations under the Convention. However, having taken note of the self-reflecting attitude of the Government of the Lao PDR which we congratulate, the Employers' group wishes to make the following recommendations and call upon the Government to: (i) take urgent and necessary measures to strengthen the capacity of the law enforcement authorities, including the judiciary; (ii) establish a monitoring mechanism comprised of relevant officials, including tripartite partners in order to follow up on complaints filed, investigations carried out, as well as to ensure an impartial process of prosecuting cases that take cognizance of the special requirements of child victims, such as protecting their identity and the requirement to give evidence behind closed doors; (iii) prevent entry into the country, as well as track movements, of all perpetrators, including paedophiles, involving trafficking and commercial sexual exploitation of children. A focused plan of action should be implemented targeting agents; (iv) take immediate and time-bound measures together with social partners to protect children from becoming victims of commercial sexual exploitation and should include: (a) implementing programmes such as Project Childhood under the AusAID programme in order to educate vulnerable children and communities against the dangers of, and with focus in preventing children from being trafficked and being subject to commercial sexual exploitation; (b) set up centres to rehabilitate child victims and reintegrate them into society, and to ensure that they complete their education to integrate them into society effectively; (v) continue to formulate and thereafter carry out specific interventions targeted at eliminated the worst forms of child labour, including trafficking and commercial sexual exploitation in consultation with stakeholders, as envisaged under Article 5 of the Convention; (vi) seek further technical assistance from the ILO and incorporate a strategy as proposed above in a continuing national action plan, including t the ILO Decent Work Country Programme DWCP; (vii) we call upon the Government of Lao PDR to submit a full and detailed report on the above matters before the next meeting of the Committee of Experts this year.

## **Conclusions of the Committee**

**The Committee took note of the information provided by the Government representative and the discussion that followed.**

**While acknowledging the complexity of the situation, the Committee deplored the current situation.**

**Taking into account the discussion of the case, the Committee urges the Government to provide an immediate and effective response for the elimination of the worst forms of child labour, including:**

- **continue to formulate and thereafter carry out specific measures targeted at eliminating the worst forms of child labour, including trafficking and commercial sexual exploitation of children, in consultation with the social partners;**
- **take measures as a matter of urgency to strengthen the capacity of the law enforcement authorities including the judiciary;**
- **establish a monitoring mechanism, including the participation of the social partners, in order to follow up on complaints filed, investigations carried out as well as to ensure an impartial process of prosecuting cases that takes into account**

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**the special requirements of child victims, such as protecting their identity and the ability to give evidence behind closed doors;**

- **take immediate and time bound measures – together with the social partners – to protect children from falling victim to commercial sexual exploitation. This should include:**
  - (a) **implementing programmes to educate vulnerable children and communities about the dangers of trafficking and exploitation, with a focus on preventing children from being trafficked and being subject to commercial sexual exploitation; and**
  - (b) **establishing centres to rehabilitate child victims and reintegrate them into society.**

**The Committee encourages the Government to seek further technical assistance from the ILO and incorporate the strategy as proposed above in a continuing National Plan of Action, including the ILO Decent Work Country Programme.**

**The Committee encourages the Government to elaborate in full consultation with the most representative worker and employer organizations and submit a report on the above matters by 1 September 2019.**

**Government representative** – On behalf of the Lao Government, we take note of the conclusions and recommendation made by the Committee. I would like to express our appreciation to the ILO and the member countries who support Lao PDR in its endeavour to eliminate the worst forms of child labour. I would like to confirm Laos' commitment to eliminate the worst forms of child labour and take the necessary measures to combat trafficking in persons as well as ensuring that the investigation and prosecution are carried out for persons who engage and are involved in the trafficking in persons under 18 years of age. Lastly, we would like to thank the Committee for its encouragement and we request the ILO for further technical support to Lao PDR to fulfil its efforts on the application of ILO Convention No. 182.